

**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

**In Re:**

**LaDONNA HUMPHREY  
Debtor**

**Case No. 5:19-bk-72555  
Ch. 7**

**MOTION FOR APPROVAL OF SALE PURSUANT TO 11 U.S.C. § 363  
AND NOTICE OF OPPORTUNITY TO OBJECT AND OVERBID**

Bianca Rucker, the duly-appointed and acting Trustee for the above-captioned estate (“Trustee”), by and through her attorney, for her Motion for Approval of Sale Pursuant to 11 U.S.C. § 363, and Notice of Opportunity to Object and Overbid (“Motion”), respectfully states:

1. On September 19, 2019, the Debtors filed a voluntary, Chapter 7 bankruptcy proceeding, and Bianca Rucker was appointed Trustee.

2. The Debtors’ 341(a) meeting was held and concluded on October 21, 2019.

3. The Trustee has received an offer to buy certain claims and causes of action that are property of the bankruptcy estate in this case: Absolute Pediatric Services, Inc. d/b/a Absolute Pediatric Services (“Absolute”) has offered to pay to Bianca Rucker, Bankruptcy Trustee for the LaDonna Humphrey for the benefit of the bankruptcy estate, a total of twelve thousand five hundred dollars (**\$12,500.00**) (“Purchase Price”), to be paid within fourteen (14) days of an entry of an order approving this Motion, for the purchase and assignment to them of all claims and potential claims that LaDonna Humphrey may have that are part of the estate, except as stated herein. Such claims include but are not limited to:

1. Any and all claims including appeals, and specifically Ms. Humphrey’s counterclaim of fraud, whistleblower, and violations of the False Claims Act of 31 USC 3730, arising out of or related to the facts and claims in the state court lawsuit, *Absolute Pediatric Services, Inc. d/b/a Absolute Pediatric Therapy and Anthony Christopher v. LaDonna Humphrey, Individually*, in the Circuit Court of Benton County, Arkansas, Case No: 04CV-18-2961; and
2. Any and all claims including claims asserted or unasserted for slander, false light, defamation, tortious interference with business expectancies, and/or any other intentional tort or related claims against Kenneth Medlin, Anthony Christopher, Absolute, Joe Rocko, Wanda Easch, Felicia Ramos, Linnea Heintz, Heather Johnson, and others as the situation evolves.

(“Proposed Offer”). The Proposed Offer does not include the sale of any avoidance,

transfer, or preference actions and such causes of action are not a part of this proposed sale. The Proposed Offer does not include the alleged malpractice action listed on the Amended Schedules at Dkt. No. 30, Question No. 34.

4. The Proposed Offer is the highest and otherwise best offer received to date.

5. Subject to a higher overbid made according to the procedures set out below, the Trustee believes such sale and assignment for the Purchase Price is in the best interests of the bankruptcy estate including for the following reasons:

- a) A \$0.00 exemption has been claimed in these assets and none shall be paid;
- b) A sale and assignment avoids the actual costs and risks of litigation for the estate; and,
- c) it is anticipated such Purchase Price will enable the Trustee to make a distribution to unsecured creditors.

6. Further, 11 U.S.C. § 363 allows a bankruptcy trustee to sell such assets for the benefit of the bankruptcy estate.

7. For these reasons, the Trustee requests that the Court approve this Proposed Offer, or that the Court approve the sale to the highest or otherwise best overbidder if submitted in a subsequent proposed order, and that she be authorized to execute any documents reasonably necessary to transfer or assign such causes of action after Court approval.

### **NOTICE OF OPPORTUNITY TO OBJECT**

NOTICE is hereby given to all creditors and parties in interest of the terms and provisions of the above-stated Motion; any creditor or party who desires to object to said Motion should file a written objection with the Court (United States Bankruptcy Court Clerk, 35 E. Mountain, Room 316, Fayetteville, Arkansas 72701) and serve a copy upon the Trustee within **21 days** from the Date of this Notice stated below.

Objections and other responses, if any, will be set for hearing by subsequent notice by the Court, at the U.S. Bankruptcy Courtroom, 35 E. Mountain Street, Fayetteville, Arkansas. If no objections or responses are filed, all creditors and parties-in-interest will be deemed to have consented to the Motion, and the Trustee will submit a proposed order to the Court granting the Motion, which the Court may enter without further Notice.

**DATE OF THIS NOTICE: December 4, 2019**

### **NOTICE OF OPPORTUNITY TO OVERBID**

Any party wishing to submit a QUALIFIED overbid, a party must, on or before **December 23, 2019**:

1. Transmit a written offer on the same or better terms in the Trustee's sole opinion for the minimum overbid price of **\$13,500.00** to Bianca Rucker, Trustee, at ruckerlaw@outlook.com.
2. Deposit "earnest money" in the amount of \$2,000.00 made payable to Bianca Rucker, Bankruptcy Trustee for LaDonna Humphrey, which amount shall be forfeitable to the estate if the overbidder is the successful buyer at auction and fails to close for any reason (other than the Trustee cannot obtain Court approval based on other parties' objections).
3. Prior to the auction, provide proof sufficient to the Trustee in her sole opinion of the overbidder's ability to close.

If the Trustee, in her sole opinion, determines an overbid received during this time is Qualified, the Trustee, or her authorized agent, will conduct an auction by telephone on **Monday, December 30, 2019, at 1:00 pm, central time**, in minimum bidding increments of \$1000.00, between the Proposed Buyer and any Qualified Overbidders.

At the conclusion of the auction, the Trustee will name the successful bidder, who shall within fourteen (14) days tender to the Trustee the overbid amount, to be placed in the Trustee's estate account and held pending Court approval of the sale and closing. Also at the conclusion of the auction, the Trustee will submit a proposed order to the Court approving the sale to the offeror herein if there are no qualified overbids, or to the successful bidder at auction.

WHEREFORE, the Trustee respectfully requests that the Court grant the Motion pursuant to 11 U.S.C. § 363, approve the sale and assignment of the subject assets referenced herein to the proposed buyer, or to the successful overbidder at auction, and for all other relief to which she is entitled.

Respectfully submitted,

/s/ Bianca Rucker

Bianca Rucker (2006310)  
RUCKER LAW PLLC  
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Fayetteville, Arkansas 72701  
(479) 445-6340  
(479) 689-7335 (fax)  
ruckerlaw@outlook.com  
*Counsel for Trustee*

**CERTIFICATE OF SERVICE**

I certify that on December 4, 2019, the foregoing Motion was filed with the Clerk of the Court via the CM/ECF filing system which will generate a Notice of Electronic Filing of the above pleading to all registered CM/ECF Filing Users in the above-captioned case, including the debtor's counsel and the U.S. Trustee, and that also on August 29, 2019, a copy was sent by regular, first-class, U.S. Mail to the parties on the debtor's creditor matrix filed with the original of this Motion.

/s/ Bianca Rucker

Bianca Rucker

Label Matrix for Local noticing  
0861-5  
Case 5:19-bk-72555  
Western District of Arkansas  
Fayetteville  
Tue Dec 3 09:07:23 CST 2019

Anthony Christopher  
c/o Wright Lindsey Jennings  
3333 Pinnacle Hills Pkwy  
Ste 510  
Rogers, AR 72758-8498

Capital One  
Attn: Bankruptcy  
Po Box 30285  
Salt Lake City, UT 84130-0285

Collection Service, Inc.  
Attn: Bankruptcy  
Po Box 7545  
Little Rock, AR 72217-7545

LaDonna Humphrey  
11580 Farrar Rd  
Bentonville, AR 72713-4842

Med Data Systems  
Attn: Bankruptcy Dept  
2001 9th Ave Ste 312  
Vero Beach, FL 32960-6413

National Recoveries Inc.  
PO Box 120666  
Saint Paul, MN 55112-0022

PayPal  
2211 N First St  
San Jose, CA 95131-2021

Glenn Scott Ritter  
Wright, Lindsey & Jennings, LLP  
3333 Pinnacle Hills Pkwy, Suite 510  
Rogers, AR 72758-8498

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Stockland & Trantham  
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Suite 1  
Fayetteville, AR 72703-2897

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Legal Counsel Room 2380  
PO Box 3493  
Little Rock, AR 72203-3493

Bank of America  
4909 Savarese Circle  
F11-908-01-50  
Tampa, FL 33634-2413

Capital One Bank (USA), N.A.  
4515 N Santa Fe Ave  
Oklahoma City, OK 73118-7901

Denny Humphrey  
11580 Farrar Rd  
Bentonville, AR 72713-4842

IRS  
PO Box 7346  
Philadelphia, PA 19101-7346

Miramend Revenue Group  
Attn: Bankruptcy  
360 East 22nd Street  
Lombard, IL 60148-4924

Northwest Arkansas Pathology  
390 E Longview Street  
Fayetteville, AR 72703-4618

Pennymac Loan Services  
Correspondence Unit/Bankruptcy  
Po Box 514387  
Los Angeles, CA 90051-4387

Bianca Rucker  
Chapter 7 Panel Trustee  
1 East Center Street  
Suite 215  
Fayetteville, AR 72701-5394

Stockland & Trantham  
PO Box 1723  
Fayetteville, AR 72702-1723

Absolute Pediatric Services  
Wright Lindsey & Jennings  
3333 Pinnacle Hills Pkwy  
Ste 510  
Rogers, AR 72758-8498

Stanley V Bond  
Bond Law Office  
P.O. Box 1893  
Fayetteville, AR 72702-1893

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200 W. Capitol Ave., Ste. 2200  
Little Rock, AR 72201-3627

Employment Security Division  
Legal Division  
PO Box 2981  
Little Rock, AR 72203-2981

Ken Bertley DDS  
5417 W Pinnacle Point, Ste 200  
Rogers, AR 72758-8120

National Recoveries  
2020 S. Oneida Street Suite 20  
Denver, CO 80224-2447

PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

Professional Credit Management, Inc.  
Po Box 4037  
500 West Washington Ave  
Jonesboro, AR 72401-2780

Bianca Rucker  
RUCKER LAW PLLC  
One East Center St.  
Suite 215  
Fayetteville, AR 72701-5394

U.S. Department of Education  
Ecmc/Bankruptcy  
Po Box 16408  
Saint Paul, MN 55116-0408

U.S. Trustee (ust)  
Office Of U. S. Trustee  
200 W Capitol, Ste. 1200  
Little Rock, AR 72201-3618

US Attorney Eastern District  
PO Box 1229  
Little Rock, AR 72203-1229

US Attorney Western District  
414 Parker Ave.  
Fort Smith, AR 72901-1902

World's Foremost Bank  
Attn: Bankruptcy  
4800 Nw 1st St  
Lincoln, NE 68521-4463

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Absolute Pediatric Services, Inc.	End of Label Matrix	
	Mailable recipients	33
	Bypassed recipients	1
	Total	34